

[NOT YET SCHEDULED FOR ORAL ARGUMENT]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE D.C. CIRCUIT

Doctors for Drug Policy Reform, *et al.*,

Petitioners,

v.

Drug Enforcement Administration, *et al.*,

Respondents.

No. 24-1365

**RESPONDENTS' NOTICE OF FILING THE CERTIFIED LIST TO  
THE RECORD**

Pursuant to this Court's order of December 4, 2024, Fed. R. App. P. 17(b)(1)(B), and Circuit Rule 17(b), Respondents file this Notice and the attached Certification Letter and Certified List to the Record.

Respectfully submitted,

/s/ Daniel Aguilar

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**CERTIFICATION OF THE LIST OF THE RECORD**

The formal rulemaking on whether marijuana should be rescheduled under the Controlled Substances Act remains ongoing and there is not yet a final agency decision. I understand that petitioners here challenge the agency's decision to not select them as participants in the formal rulemaking's live hearing. That is not a final decision under 21 U.S.C. § 877 or final agency action that would normally produce an administrative record for judicial review. On that understanding, I certify pursuant to Federal Rule of Appellate Procedure 17(b)(1)(B) that the enclosed is a Certified List of all documents constituting the materials considered by DEA in not selecting petitioners to participate in the formal rulemaking's live hearing.

Dated: January 21, 2025

/s/ Heather E. Achbach

Heather E. Achbach

Acting Section Chief

Regulatory Drafting & Policy Support Section

Drug Enforcement Administration

Certified List of Material Comprising the Record of Proceedings

Drug Enforcement Administration (DEA)

Docket No. DEA-1362:

Request to Participate in Hearing by Doctors for Drug Policy Reform and Byron Adinoff

1. Notice of Proposed Rulemaking re: Schedules of Controlled Substances: Rescheduling of Marijuana, 89 Fed. Reg. 44597 (May 21, 2024).
2. Hearing request submitted by Doctors for Drug Policy Reform and Bryon Adinoff (June 20, 2024).
3. Comments submitted by Doctors for Drug Policy Reform (July 21, 2024).
4. Notice of Hearing on Proposed Rulemaking, 89 Fed. Reg. 70148 (Aug. 29, 2024).
5. Request to participate in hearing submitted by Doctors for Drug Policy Reform and Bryon Adinoff (Sept. 26, 2024).
6. Letter to Chief Judge Mulrooney designating hearing participants (Oct. 28, 2024).
7. Motion of Doctors for Drug Policy Reform and Bryon Adinoff to Intervene (Nov. 13, 2024).
8. Order Denying Motion to Intervene (Nov. 21, 2024).
9. Denial of request by Doctors for Drug Policy Reform and Bryon Adinoff for a hearing and/or to participate in a hearing (Nov. 25, 2024).
10. Requests by other individuals and entities for participation in the formal rulemaking hearing, and DEA's responses.